

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. KELLY,
Petitioner,

No. C 07-3928 SI (pr)

JUDGMENT


v.

BEN CURRY, warden,
Respondent.

This action is dismissed without prejudice to petitioner filing a petition in this court after he obtains the necessary order from the Court of Appeals for the Ninth Circuit and after he exhausts state court remedies.

IT IS SO ORDERED AND ADJUDGED.

DATED: September 18, 2007



SUSAN ILLSTON
United States District Judge